

SENATE BILL 2949
By Black

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 6, relative to child custody.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2)(A), is amended by designating the current language as subdivision (i) thereof and by inserting the following as a new, appropriately designated subdivision thereof:

(ii) If the court finds by a preponderance of the evidence that a parent has abandoned a child, then unless the court finds by clear and convincing evidence to the contrary, there is a presumption that sole custody in favor of the parent who has not abandoned the child is in the best interest of the child. For the purpose of this subdivision, a parent has abandoned the child if, for a period of four (4) months immediately preceding the filing of a proceeding or pleading to seek custody of the child, the parent or guardian of the child has willfully failed to visit, willfully failed to support or willfully failed to make reasonable payments toward the support of the child, as those terms are used in § 36-1-102 with respect to termination of parental rights. This subdivision shall not be construed to prevent such a parent from being granted visitation with the child.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.